

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hanae KAKU *et al.*
Serial No.: 10/591,576
Filed: 31 August 2006
Entitled: Chitin Oligosaccharide Elicitor-Binding Proteins

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

[X] National stage of PCT in the United States.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

Chitin Oligosaccharide Elicitor-Binding Proteins

SPECIFICATION IDENTIFICATION

[X] was described and claimed in PCT International Application No. PCT/JP2005/003451, filed on 02 March 2005.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

[x] such applications have been filed as follows.

PCT/JP2005/003451	PCT	02 March 2005	Pending
Number	Country	International Filing Date	Status
2004/059551	JP	03 March 2004	Yes
Number	Country	Filing Date	Priority Claimed

POWER OF ATTORNEY

As a named inventor, I hereby appoint the firm of Medlen & Carroll, LLP, a firm comprised of:

Tanya A. Arenson	(Reg. No. 47,391)	Robert A. Goetz	(Reg. No. 55,210)
Jason R. Bond	(Reg. No. 45,439)	Thomas C. Howerton	(Reg. No. 48,650)
Mary Ann D. Brow	(Reg. No. 42,363)	J. Mitchell Jones	(Reg. No. 44,174)
Peter G. Carroll	(Reg. No. 32,837)	Christine A. Lekutis	(Reg. No. 51,934)
David A. Casimir	(Reg. No. 42,395)	James C. Mason	(Reg. No. 50,255)

as its attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

Please direct all future correspondence and telephone calls regarding this application to:

Christine A. Lekutis
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105

Telephone: 415/904-6500
Facsimile: 415/904-6510

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: **Hanae KAKU**

Inventor's Signature: Hanae Kaku Date: Feb. 1st, 2007

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Second Joint Inventor: **Naoto SHIBUYA**

Inventor's Signature: Naoto Shibuya Date: Feb. 1st, 2007

Residence: c/o Meiji University, 1-1-1, Higashi-Mita, Tama-ku, Kawasaki-shi, Kanagawa 214-8571 JAPAN

Citizenship: JAPAN

Full Name of Third Joint Inventor: **Eiichi MINAMI**

Inventor's Signature: Eiichi Minami Date: Jan. 31th, 2007

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Fourth Joint Inventor: Naoko MINAMI

Inventor's Signature: Naoko Minami Date: January, 31, 2007

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Fifth Joint Inventor: Yoko NISHIZAWA

Inventor's Signature: Yoko Nishizawa Date: January, 31, 2007

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Six Joint Inventor: Koji TAKIO

Inventor's Signature: _____ Date: _____

Residence: 1-29, Ayameike 4-chome, Nara-shi, Nara 631-0033 JAPAN

Citizenship: JAPAN

Full Name of Seventh Joint Inventor: Naoshi DOHMAE

Inventor's Signature: _____ Date: _____

Residence: 2934-1-106, Niikura, Wako-shi, Saitama 351-0115 JAPAN

Citizenship: JAPAN

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Mary Ann D. Brow	(Reg. No. 42,363)	J. Mitchell Jones	(Reg. No. 44,174)
Peter G. Carroll	(Reg. No. 32,837)	Christine A. Lekutis	(Reg. No. 51,934)
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Full Name of Sole or First Inventor: **Hanae KAKU**

Inventor's Signature: _____ Date: _____

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Second Joint Inventor: **Naoto SHIBUYA**

Inventor's Signature: _____ Date: _____

Residence: c/o Meiji University, 1-1-1, Higashi-Mita, Tama-ku, Kawasaki-shi, Kanagawa 214-8571 JAPAN

Citizenship: JAPAN

Full Name of Third Joint Inventor: **Eiichi MINAMI**

Inventor's Signature: _____ Date: _____

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Fourth Joint Inventor: Naoko MINAMI

Inventor's Signature: _____ Date: _____

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Fifth Joint Inventor: Yoko NISHIZAWA

Inventor's Signature: _____ Date: _____

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Citizenship: JAPAN

Full Name of Six Joint Inventor: Koji TAKIO

Inventor's Signature: Koji Takio Date: March 9, 2007

Residence: 1-29, Ayameike 4-chome, Nara-shi, Nara 631-0033 JAPAN

Citizenship: JAPAN

Full Name of Seventh Joint Inventor: Naoshi DOHMAE

Inventor's Signature: Naoshi Dohmae Date: 6 Mar 2007

Residence: 2934-1-106, Niikura, Wako-shi, Saitama 351-0115 JAPAN

Citizenship: JAPAN

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Hanae Kaku et al.Application No./Patent No./Control No.: 10/591,576Filed/Issue Date: 31 August 2006Entitled: Chitin Oligosaccharide Elicitor-Binding ProteinsNational Institute of Agrobiological Sciences, a Corporation

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is 80 %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Masanobu Ohura

Signature

February 5, 2007

Date

Masanobu Ohura

Printed or Typed Name

+81-29-838-7435

Telephone Number

Head, Technology Transfer and Research Cooperation

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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In re Application of: Hanae KAKU *et al.*
Serial No.: 10/591,576
Filed: 31 August 2006
Entitled: Chitin Oligosaccharide Elicitor-Binding Proteins

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

Full Name of Joint Inventor: **Hanae KAKU**

Citizenship: JAPAN

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Full Name of Joint Inventor: **Naoto SHIBUYA**

Citizenship: JAPAN

Residence: c/o Meiji University, 1-1-1, Higashi-Mita, Tama-ku, Kawasaki-shi, Kanagawa 214-8571 JAPAN

Full Name of Joint Inventor: **Eiichi MINAMI**

Citizenship: JAPAN

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Full Name of Joint Inventor: **Naoko MINAMI**

Citizenship: JAPAN

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

Full Name of Joint Inventor: **Yoko NISHIZAWA**

Citizenship: JAPAN

Residence: c/o National Institute of Agrobiological Sciences, 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

hereby sells, assigns and transfers to

ASSIGNEE:

Full Name of Joint Assignee: **NATIONAL INSTITUTE OF AGROBIOLOGICAL SCIENCES**

State of Incorporation: Japan

Post Office Address: 1-2, Kannondai 2-chome, Tsukuba-shi, Ibaraki 305-8602 JAPAN

and the successors, assigns and legal representatives of the the entire right, title and interest for the United States and its territorial and in all foreign countries, including all rights to claim in and to any and all improvements which are disclosed in the invention entitled:

CHITIN OLIGOSACCHARIDE ELICITOR-BINDING PROTEINS

and which is found in (37 C.F.R. § 3.21) International application no. **PCT/JP2005/003451** filed on **2 March 2005** and any legal equivalent thereof in a foreign country, including the right to claim Priority.

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's names to this assignment on the date indicated below.

Full Name of Joint Inventor: **Hanae KAKU**

Inventor's Signature: Hanae Kaku Date: Feb. 1st, 2007

Full Name of Joint Inventor: **Naoto SHIBUYA**

Inventor's Signature: Naoto Shibuya Date: Feb. 1st, 2007

Full Name of Joint Inventor: **Eiichi MINAMI**

Inventor's Signature: Eiichi Minami Date: Jan 31th, 2007

Full Name of Joint Inventor: **Naoko MINAMI**

Inventor's Signature: Naoko Minami Date: January 31, 2007

Full Name of Joint Inventor: **Yoko NISHIZAWA**

Inventor's Signature: Yoko Nishizawa Date: January 31, 2007